

## REMARKS

Claims 1-30 are pending in the application. Claims 1, 13, and 25 are independent. Claims 1, 6, 13, and 25 have been amended. The Specification has been amended to correct typographical errors. These changes are believed to introduce no new matter and their entry is respectfully requested.

### Rejection of Claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28 Under 35 U.S.C. §102(e)

In paragraph 3 of the Office Action, the Examiner rejected claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,466,984 B1 to Naveh et al. (“Naveh”). A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). Applicant respectfully traverses the rejection.

Independent claim 1 recites in pertinent part “dynamic network information to ***model a physical configuration of a network*** and to ***detect a change*** in the physical configuration of the network; and a policy manager to ***deploy at least one policy*** to a set of devices in the network ***in response to the detected change*** in physical configuration of the network” (emphasis added). Independent claim 13 recites in pertinent part “***modeling a physical configuration of a network***; and ***detecting a change*** in the physical configuration of the network; and ***mapping a policy*** to a set of devices in the network ***based on the detected change*** in the physical configuration of the network” (emphasis added). Independent claim 25 recites in pertinent part “causing a processor to: ***model a topology*** of a network; ***detect a change in the topology*** of the network; apply dynamic network information including the change in the topology of the network to a policy manager; and ***map a policy*** to a set of devices in the network ***based on the detected change*** in the topology of the network” (emphasis added). Support for these changes according to one embodiment can be found in Applicant’s Specification at page 9, line 15 through page 10, line 22.

Applicant respectfully submits that Naveh is not properly applied to the claimed invention. Naveh appears to be directed to policy-based management of quality of service (QoS) treatment of network traffic. The problem addressed in Naveh is that “application programs... rarely invoke QoS functions and therefore they do not take full advantage of QoS features that are available in network devices.” (Col. 4, lines 21-24). The solution proposed by Naveh is to integrate policies with application programs. Naveh does not address network topology changes, but assumes that the topology remains the same. Applicant respectfully submits therefore that Naveh is not properly applied to the claimed invention.

Even, assuming for the sake of argument, that Naveh is properly applied to the claimed invention, Applicant respectfully submits that Naveh fails to show the identical invention as that of the claimed invention. For example, Naveh fails to teach *modeling a network topology, detecting a change, and/or deploying at least one policy in response to the detected change*. As discussed above, this is because Naveh is not concerned with network topology changes, but with QoS treatment of network traffic. Because Naveh is not properly applied to and/or fails to teach each and every element of the claimed invention, Applicant therefore respectfully submits that claims 1, 13, and 25 are patentable over Naveh. Claims 2-4, 8-9, 11, 14-17, 20-21, 23, and 26-28 properly depend from patentable claims, and as a result are patentable over Naveh as well. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28.

Rejection of Claims 5-6, 10, 18-19, 22, and 29-30 Under 35 U.S.C. §103(a)

In paragraph 5 of the Office Action, the Examiner rejected claims 5-6, 10, 18-19, 22, and 29-30 under 35 U.S.C. §103(a) as being unpatentable over Naveh in view of U.S. Patent No. 6,351,771 to Craddock et al. (“Craddock”). To establish a *prima facie* case of obviousness, an Examiner must show three things: (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention, (2) that there must be a reasonable expectation of success, and (3) that the references teach or suggest each and every element of the claimed invention. (MPEP §2143.) Applicant respectfully traverses the rejection.

Applicant respectfully submits that claims 5-6, 10, 18-19, 22, and 29-30 properly depend from patentable claims 1, 13, or 25, and are therefore patentable as well. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 5-6, 10, 18-19, 22, and 29-30.

Rejection of Claims 7, 12, and 24 Under 35 U.S.C. §103(a)

In paragraph 5 of the Office Action, the Examiner rejected claims 7, 12, and 24 under 35 U.S.C. §103(a) as being unpatentable over Naveh in view of U.S. Patent No. 6,266,781 to Chung et al. ("Chung"). Applicant respectfully traverses the rejection.

Applicant respectfully submits that claims 7, 12, and 24 properly depend from patentable claims 1 or 13, and are therefore patentable as well. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 7, 12, and 24.

## CONCLUSION

Applicant submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date:

October 22, 2004

Jan Little-Washington  
Reg. No. 41,181

## FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

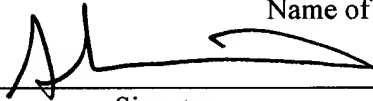
on

October 22, 2004

Date of Deposit

Adrian Villarreal

Name of Person Mailing Correspondence



Signature

October 22, 2004

Date